

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RANDALL B. HOFLAND,)
)
Plaintiff)
)
v.) Civil No. 09-218-B-W
)
MIKE WESTRUM, et al.,)
)
Defendant)

DECISION RECOMMENDING SUMMARY DISMISSAL

Randall B. Hofland has filed yet another complaint. This is the sixth complaint filed since April 24, 2009. This complaint, for all intents and purposes, is a continuation of Civil Action No. 9-174-B-W, Hofland v. Thompson, et al., most recently amended on May 21, 2009. The “new” complaint describes Hofland’s outrage over an incident occurring on May 26, 2009, when Hofland was transported to Waldo County Superior Court. The dispute appears to center around Hofland’s access to legal materials and purports to add someone named Mike Westrum¹ to the ever growing list of defendants. Westrum is allegedly responsible for impeding Hofland’s access to federal statutes and case law and for a “new” policy at the jail which has limited Hofland to a “total of all legal files that will fit within 2 expandable folders.” (Complaint at 2.)

If Mr. Hofland wishes to amend the complaint at Civil Action No. 9-174-B-W to add additional defendants or describe new events, he may attempt to do so by filing a motion to amend his complaint against Two Bridges Regional Jail after service of the original amended

¹ The other named defendants, Archer, Ewing, Read, and Two Bridges Regional Jail are already sued in Hofland v. Thompson, 09-CV-174-JAW.

complaint has been completed². All pleadings relating to Two Bridges Jail and/or its employees should bear the number Civ. No. 9-174-B-W.

Mr. Hofland cannot continue to file a new case every time something happens at the jail which displeases him. Any new complaint **must be** accompanied by the \$350.00 filing fee or a properly completed application to proceed *in forma pauperis*. The clerk is directed not to open any new case on behalf of Hofland unless accompanied by the necessary filing fee or motion. If Hofland wants to submit additional pleadings by motion relating to the matters he has already filed with this court he **MUST** include the docket number of the currently pending case in order to insure that the pleading is properly docketed by the clerk. Any pleading received from Hofland which does not have the docket number and case caption written on it, will be returned to him by the clerk forthwith.

Because this “new” complaint fails to state a claim against most of the individuals named as defendants, is not accompanied by a filing fee or proper motion, and is duplicative of matters already on file with this court, I recommend that this complaint be summarily dismissed.

NOTICE

A party may file objections to those specified portions of a magistrate judge’s report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

² The pleadings have been forwarded to the U.S. Marshal in that case and service is in process. The court has not yet received any returns.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

June 1, 2009

/s/Margaret J. Kravchuk
U.S. Magistrate Judge